IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.642 OF 2006
IN
WRIT PETITION NO.1897 OF 1994

Baban Laindar Zombade & Anr. ...Petitioners.

Versus

The Chief Metropolitan
Magistrate & Anr. ...Respondents.

....

Mr.I.A.Bagaria, Advocate for the Petitioners.
Mr.R.J.Mane, A.G.P. for the Respondent-State.

....

CORAM : **DR.S.RADHAKRISHNAN AND SMT.V.K.TAHILRAMANI,JJ.**

DATED : **NOVEMBER 17, 2006.**

P.C.:

1. Heard learned counsel for the petitioner and the respondents. By this Notice of Motion, the petitioner is seeking recall of our order dated 6th November, 2006 whereby the above petition was dismissed in default.

3. Perused the affidavit in support of the Motion. For the reasons stated in the affidavit in support of the Motion, sufficient cause is made out. There is no negligence, omission or inaction

on the part of the petitioners in prosecuting the above matter. Hence, Notice of Motion is made absolute in terms of prayer clauses (a).

4. Place the above Petition on board for final hearing on 4th December, 2006.

[DR.S.RADHAKRISHNAN,J.]

[SMT.V.K.TAHILRAMANI,J.]